

Defendants.

1 Defendant HANJIN SHIPPING CO., LTD. (hereinafter “Hanjin”)
2 responds to the Verified First Amended Class Action Complaint filed by
3 plaintiffs CHELSEA, LLC, MARK RUSSO, ALLEN LORETZ, and IVAN
4 SIMPSON, individually and on behalf of all others similarly situated (hereinafter
5 “Plaintiffs”) as follows:
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8 1. Defendant Hanjin has insufficient information to respond to the
9 allegations of Paragraph 1 of Plaintiffs’ Complaint, and based upon its lack of
10 information and belief, defendant Hanjin denies each and every allegation of
11 Paragraph 1 of Plaintiffs’ Complaint.
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14 2. Defendant Hanjin denies the allegations of Paragraph 2 of
15 Plaintiffs’ Complaint.
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18 3. Defendant Hanjin denies the allegations of Paragraph 3 of
19 Plaintiffs’ Complaint.
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22 4. Defendant Hanjin denies the allegations of Paragraph 4 of
23 Plaintiffs’ Complaint.
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26 5. Defendant Hanjin has insufficient information to respond to the
27 allegations of Paragraph 5 of Plaintiffs’ Complaint, and based upon its lack of
28 information and belief, defendant Hanjin denies each and every allegation of
Paragraph 5 of Plaintiffs’ Complaint.

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1 6. Defendant Hanjin has insufficient information to respond to the
2 allegations of Paragraph 6 of Plaintiffs' Complaint, and based upon its lack of
3 information and belief, defendant Hanjin denies each and every allegation of
4 Paragraph 6 of Plaintiffs' Complaint.
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6 7. Defendant Hanjin has insufficient information to respond to the
7 allegations of Paragraph 7 of Plaintiffs' Complaint, and based upon its lack of
8 information and belief, defendant Hanjin denies each and every allegation of
9 Paragraph 7 of Plaintiffs' Complaint.
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11 8. Defendant Hanjin has insufficient information to respond to the
12 allegations of Paragraph 8 of Plaintiffs' Complaint, and based upon its lack of
13 information and belief, defendant Hanjin denies each and every allegation of
14 Paragraph 8 of Plaintiffs' Complaint.
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16 9. Defendant Hanjin has insufficient information to respond to the
17 allegations of Paragraph 9 of Plaintiffs' Complaint, and based upon its lack of
18 information and belief, defendant Hanjin denies each and every allegation of
19 Paragraph 9 of Plaintiffs' Complaint.
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21 10. Defendant Hanjin denies the allegations of Paragraph 10 of
22 Plaintiffs' Complaint.
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24 11. Defendant Hanjin denies the allegations of Paragraph 11 of
25 Plaintiffs' Complaint.
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12. In answering Paragraph 12 of Plaintiffs' Complaint, defendant Hanjin admits that defendant REGAL STONE, LTD. (hereinafter "Regal Stone") is the owner of defendant M/V COSCO BUSAN. Except as expressly admitted, Defendant Hanjin denies each and every allegation of Paragraph 12 of Plaintiffs' Complaint.

13. In answering Paragraph 13 of Plaintiffs' Complaint, defendant Hanjin admits that it was the time charterer of defendant M/V COSCO BUSAN on November 7, 2007. Except as expressly admitted, Defendant Hanjin denies each and every allegation of Paragraph 13 of Plaintiffs' Complaint.

14. Defendant Hanjin has insufficient information to respond to the allegations of Paragraph 14 of Plaintiffs' Complaint, and based upon its lack of information and belief, defendant Hanjin denies each and every allegation of Paragraph 14 of Plaintiffs' Complaint.

15. In answering Paragraph 15 of Plaintiffs' Complaint, defendant Hanjin admits that this is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and is within this Court's admiralty and maritime jurisdiction under 28 U.S.C. § 1333 and Article III, § 2 of the United State Constitution. Except as expressly admitted, Defendant Hanjin denies each and every allegation of Paragraph 15 of Plaintiffs' Complaint.

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16. In answering Paragraph 16 of Plaintiffs' Complaint, defendant Hanjin admits that venue in this Court is proper pursuant to 28 U.S.C. § 1391 in that a substantial part of the events giving rise to the claims asserted by Plaintiffs occurred in this District. Except as expressly admitted, Defendant Hanjin denies each and every allegation of Paragraph 16 of Plaintiffs' Complaint.

17. Defendant Hanjin admits the allegations of Paragraph 17 of Plaintiffs' Complaint.

18. Defendant Hanjin denies the allegations of Paragraph 18 of Plaintiffs' Complaint.

19. Defendant Hanjin denies the allegations of Paragraph 19 of Plaintiffs' Complaint.

20. Defendant Hanjin has insufficient information to respond to the allegations of Paragraph 20 of Plaintiffs' Complaint, and based upon its lack of information and belief, defendant Hanjin denies each and every allegation of Paragraph 20 of Plaintiffs' Complaint.

21. Defendant Hanjin has insufficient information to respond to the allegations of Paragraph 21 of Plaintiffs' Complaint, and based upon its lack of information and belief, defendant Hanjin denies each and every allegation of Paragraph 21 of Plaintiffs' Complaint.

22. Defendant Hanjin denies the allegations of Paragraph 22 of Plaintiffs' Complaint.

23. Defendant Hanjin has insufficient information to respond to the allegations of Paragraph 23 of Plaintiffs' Complaint, and based upon its lack of information and belief, defendant Hanjin denies each and every allegation of Paragraph 23 of Plaintiffs' Complaint.

24. Defendant Hanjin has insufficient information to respond to the allegations of Paragraph 24 of Plaintiffs' Complaint, and based upon its lack of information and belief, defendant Hanjin denies each and every allegation of Paragraph 24 of Plaintiffs' Complaint.

25. Defendant Hanjin denies the allegations of Paragraph 25 of Plaintiffs' Complaint.

26. Defendant Hanjin denies the allegations of Paragraph 26 of Plaintiffs' Complaint.

27. Defendant Hanjin denies the allegations of Paragraph 27 of Plaintiffs' Complaint.

28. Defendant Hanjin denies the allegations of Paragraph 28 of Plaintiffs' Complaint.

29. Defendant Hanjin denies the allegations of Paragraph 29 of Plaintiffs' Complaint.

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1 30. Defendant Hanjin denies the allegations of Paragraph 30 of
2 Plaintiffs' Complaint.

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4 31. Defendant Hanjin denies the allegations of Paragraph 31 of
5 Plaintiffs' Complaint.

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7 32. Defendant Hanjin denies the allegations of Paragraph 32 of
8 Plaintiffs' Complaint.

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10 33. Defendant Hanjin denies the allegations of Paragraph 33 of
11 Plaintiffs' Complaint.

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13 34. Defendant Hanjin denies the allegations of Paragraph 34 of
14 Plaintiffs' Complaint.

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16 35. To the extent that Plaintiffs incorporate by reference allegations
17 contained in Paragraph 35 Defendant Hanjin incorporates herein its responses
18 thereto.

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20 36. Defendant Hanjin denies the allegations of Paragraph 36 of
21 Plaintiffs' Complaint.

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23 37. Defendant Hanjin denies the allegations of Paragraph 37 of
24 Plaintiffs' Complaint.

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1 38. To the extent that Plaintiffs incorporate by reference allegations
2 contained in Paragraph 38 Defendant Hanjin incorporates herein its responses
3 thereto.
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5 39. In answering Paragraph 39 of Plaintiffs' Complaint, defendant
6 Hanjin admits that defendant Regal Stone is the owner of defendant M/V
7 COSCO BUSAN. Defendant Hanjin further admits that it was the time charterer
8 of defendant M/V COSCO BUSAN on November 7, 2007. Except as expressly
9 admitted, Defendant Hanjin denies each and every allegation of Paragraph 39 of
10 Plaintiffs' Complaint.
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12 40. Defendant Hanjin denies the allegations of Paragraph 40 of
13 Plaintiffs' Complaint.
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15 41. Defendant Hanjin denies the allegations of Paragraph 41 of
16 Plaintiffs' Complaint.
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18 42. Defendant Hanjin denies the allegations of Paragraph 42 of
19 Plaintiffs' Complaint.
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21 43. Defendant Hanjin denies the allegations of Paragraph 43 of
22 Plaintiffs' Complaint.
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24 44. Defendant Hanjin denies the allegations of Paragraph 44 of
25 Plaintiffs' Complaint.
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1 45. Defendant Hanjin denies the allegations of Paragraph 45 of
2 Plaintiffs' Complaint.

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4 46. To the extent that Plaintiffs incorporate by reference allegations
5 contained in Paragraph 46 Defendant Hanjin incorporates herein its responses
6 thereto.

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8 47. Defendant Hanjin denies the allegations of Paragraph 47 of
9 Plaintiffs' Complaint.

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11 48. Defendant Hanjin denies the allegations of Paragraph 48 of
12 Plaintiffs' Complaint.

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14 49. Defendant Hanjin denies the allegations of Paragraph 49 of
15 Plaintiffs' Complaint.

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17 50. Defendant Hanjin denies the allegations of Paragraph 50 of
18 Plaintiffs' Complaint.

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20 51. To the extent that Plaintiffs incorporate by reference allegations
21 contained in Paragraph 51 Defendant Hanjin incorporates herein its responses
22 thereto.

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24 52. Defendant Hanjin denies the allegations of Paragraph 52 of
25 Plaintiffs' Complaint.

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53. Defendant Hanjin denies the allegations of Paragraph 53 of Plaintiffs' Complaint.

54. Defendant Hanjin denies the allegations of Paragraph 54 of Plaintiffs' Complaint.

55. Defendant Hanjin denies the allegations of Paragraph 55 of Plaintiffs' Complaint.

56. Defendant Hanjin denies the allegations of Paragraph 56 of Plaintiffs' Complaint.

57. Defendant Hanjin denies the allegations of Paragraph 57 of Plaintiffs' Complaint.

58. Defendant Hanjin denies the allegations of Paragraph 58 of Plaintiffs' Complaint.

60. Defendant Hanjin reserves the right to file appropriate amendments to this Answer, if necessary, if and when additional information is obtained.

FIRST AFFIRMATIVE DEFENSE

61. The Plaintiffs' Complaint fails to state any claims upon which relief may be granted against this answering defendant.

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SECOND AFFIRMATIVE DEFENSE

62. Defendant Hanjin alleges that Plaintiffs lack the requisite standing to assert any claims against this answering defendant.

THIRD AFFIRMATIVE DEFENSE

63. Defendant Hanjin alleges that Plaintiffs' claims, in whole or in part, are not ripe for adjudication.

FOURTH AFFIRMATIVE DEFENSE

64. Defendant Hanjin alleges that no case or controversy exists.

FIFTH AFFIRMATIVE DEFENSE

65. Defendant Hanjin alleges that Plaintiffs' alleged damages, if any, which are denied, were caused or contributed to solely, or in part, by acts or omissions of third parties for whose acts or omissions defendant Hanjin is not liable.

SIXTH AFFIRMATIVE DEFENSE

66. Defendant Hanjin alleges that Plaintiffs have failed to mitigate the amount damages allegedly sustained by Plaintiffs' as alleged in Plaintiffs' Complaint.

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SEVENTH AFFIRMATIVE DEFENSE

67. Defendant Hanjin alleges Plaintiffs' complaint fails to allege sufficient facts to support any claim for the award of punitive damages against this answering defendant.

EIGHTH AFFIRMATIVE DEFENSE

68. Defendant Hanjin alleges that Plaintiffs claims for declaratory and injunctive relief are barred because Plaintiff possesses an adequate remedy at law and cannot meet the criteria for imposition of injunctive remedies.

NINTH AFFIRMATIVE DEFENSE

69. If defendant Hanjin is found to have been the owner and/or operator of the M/V COSCO BUSAN on November 7, 2007, which defendant Hanjin denies, the amount of defendant Hanjin's liability is limited by 33 U.S.C. § 2704(a) and 42 U.S.C. § 9607(c).

TENTH AFFIRMATIVE DEFENSE

70. Defendant Hanjin alleges that this Court lacks subject matter jurisdiction concerning Plaintiffs' claims against this answering defendant.

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WHEREFORE, Defendant HANJIN SHIPPING CO., LTD. prays:

1. That Plaintiffs take nothing by their Verified First Amended Class Action Complaint on file herein, and that said complaint be dismissed;

2. That defendant Hanjin be awarded its costs of suit and attorneys' fees incurred herein; and

3. For such other and further relief as the Court deems just and proper.

Dated: March 3, 2008

FLYNN, DELICH & WISE LLP

By: /s/ Erich P. Wise

Erich P. Wise

Attorneys for Defendant

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